

REMARKS

The Office Action of September 1, 2004, has been received and reviewed. Claims 1-20 are pending in the application of which claims 1-3, 5, 7-9 and 13 stand rejected and claims 4, 6, 10-12 and 14-20 are objected to as depending from a rejected based claim, but containing allowable subject matter. Claims 2-4, 6, 7, 13 and 19 have been amended and claim 1 has been canceled as set forth herein. All amendments and cancellations are made without prejudice or disclaimer. Reconsideration is requested.

Priority

A copy of the priority document is submitted herewith.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5 and 7-9

Claims 1-3, 5 and 7-9 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Kurtz et al. Claim 1 has been canceled rendering the rejection thereof moot. Applicants respectfully traverse the remaining rejections.

Amended claims 2-3, 5 and 7-9 are not anticipated since Kurtz et al. does not disclose each and every element of any of the amended claims. For instance, amended independent claim 2 cannot be anticipated since Kurtz et al. does not disclose N, N'-disubstituted aldaramides or pentaramides having cyclic groups with up to 40 carbon atoms.

Dependent claims 3, 5 and 7-9 include the elements of amended, independent claim 2 and, thus, cannot be anticipated by Kurtz et al.

With further regard to claim 3, it cannot be anticipated since Kurtz et al. does not disclose N, N'-disubstituted aldaramides or pentaramides having cycloalkyl groups.

Reconsideration and withdrawal of the anticipation rejections of claims 2-3, 5 and 7-9 are requested.

Claims 1-2, 5 and 7-9

Claims 1-2, 5 and 7-9 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Tabern et al. Claim 1 has been canceled rendering the rejection thereof moot. Applicants respectfully traverse the remaining rejections.

Amended claims 2, 5 and 7-9 cannot be anticipated since Tabern et al. does not disclose each and every element of any of the amended claims. Tabern et al. does not expressly or inherently disclose N, N'-disubstituted aldaramides or pentaramides having cyclic groups with up to 40 carbon atoms and, thus, cannot anticipate amended, independent claim 2.

Dependent claims 5 and 7-9 include the elements of amended, independent claim 2 and, thus, cannot be anticipated by Tabern et al.

Reconsideration and withdrawal of the anticipation rejections of claims 2, 5 and 7-9 are requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 13 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended claim 13, and in view of the amendment, request withdrawal of the rejection.

It was thought claim 13 failed to include steps involved in the process such as what type of composition is contemplated, how the mixing takes place or under what conditions. Although applicants do not agree that claim 13 is indefinite, to expedite prosecution, claim 13 has been amended as set forth herein.

As amended, claim 13 includes the element of mixing the gelling agent or thickener of claim 2 with a composition, thus transforming the composition into a gel or thickened composition. One of ordinary skill in the art would understand the process of claim 13 when read in conjunction with the as-filed specification. (See, Specification, paragraphs [0015] and [0016]). Accordingly, amended claim 13 is clear since one of ordinary skill in the art would understand the scope of the claim.

Reconsideration and withdrawal of the indefiniteness rejection of claim 13 is requested.

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the claims define patentable subject matter and are now in condition for allowance. Should questions remain after consideration of the foregoing, the Office is kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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Enclosure: Priority Document

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